

Judge Crenshaw,

I am writing this letter on behalf of my husband, Casey Moreland. By the time he is scheduled to be sentenced, Casey and I will have been married for 34 years. I share this because I feel it's relevant to the length of time I've known him to validate the changes that I have witnessed in him over the last few years and the subsequent consequences that have led to the charges for which he is currently facing. Actually, I've known who Casey was much longer since we both attended the same high school, Goodpasture, in the 1970's. I was a freshman when he was a senior so while we did not run in the same circles, everyone knew him as the quarterback of the football team and president of the student body. He always had a smile and was always looking for ways to make a difference which is how he involved Goodpasture in the first food drive that then Congressman Bill Boner sponsored in 1974 to help feed needy families in our community. That food drive still takes place each fall at Goodpasture and many families, churches, and food banks benefit from that event during the holidays.

Casey has had a handful of significant depressive periods in his life but had not been formally diagnosed until we were undergoing counseling in late 2007-early 2008. Gary Wilson, a clinical psychologist that we were seeing, identified and diagnosed Casey with a major dual depressive disorder for which our internist, Dr. Steven Mann, treated him with an anti-depressant as Casey did not want to seek treatment at that time from a psychiatrist.

In June of 2014, Casey was involved with a case that involved a local contractor, David Chase. As he often received phone calls from police officers and attorneys at all hours of the night and over the weekend, I wasn't surprised that he was called on a Sunday morning at home however I remember the call since we were both in the kitchen while I was cooking and he questioned the attorney on the other end of the phone multiple times and ways to make sure that the two parties were in no way involved with each other. Needless to say, there was a lot of interest generated after that phone call. When I returned home from work the following evening, I found Casey sitting in our den looking like he had received horrible news and in essence, he had. At the time, he believed that Mr. Chase had not only attacked the woman in question once, but again after he had been a part of getting him out of jail.

Please understand that Casey helped to cover the Domestic Violence docket multiple times before he took the bench and afterwards. We both did charity work to raise monies for the Domestic Violence Shelter that our church at the time maintained. In addition, our own daughter was a victim of date violence in college resulting in physical and emotional injury. I've since learned that our daughter-in-law was also physically assaulted by a young man she had dated. Allowing someone to be released after assaulting a woman and then letting him out to assault her again is not something my husband would have done had he had proper knowledge and it ate at him. On top of this, the media was relentless. Every channel and the Tennessean, practically every day, had a story or a recap and it never went away. Then Councilwomen Megan Berry, Chief Steve Anderson, and others called repeatedly for his resignation both in the paper and on the news. His peers at work took a step back and would not have much to do with him at all. This was especially hard on him since one of his best friends and professional peers, Gale Robinson, was one of those that shunned him the worst during this time. He and Gale attended high school together, played sports together, went to law school together, and Gale

was best man at our wedding. Casey began having issues sleeping and he began drinking more than his usual occasional social drinking. His health suffered as well. He has high blood pressure but it was staying higher than normal. I received a call one afternoon that he was being taken to the emergency room at Skyline Medical Center with a nosebleed that could not be stopped. When I arrived, his blood pressure was ranging in the 180-220/100-130 range. Our physician increased his blood pressure medication, added another anti-depressant, and mandated a three week medical leave of absence during which time he was to leave town to avoid the press and media attention. Eventually, Casey was exonerated. The Tennessean printed an apology and most of the news stations offered an apology on the air. Honestly, by that time, he was shell-shocked and he never really got back to baseline. At one point, he was taking three different anti-depressants prescribed by Dr. Mann. Ironically, Frank Daniels, III, the reporter who wrote some of the most damning articles reached out to Casey and asked to meet with him. From that, they formed a friendship but also, that reporter felt compelled to write a story to reaffirm his change of opinion and how Casey reflected back on the media onslaught that he went through during the previous year.

During this time, along with his depression and drinking, Casey gained an incredible amount of weight for which he eventually underwent gastric bypass surgery for morbid obesity. The surgery that he had, called a roux en y procedure, is a pretty radical one whereby the surgeon corners off part of his stomach and moves up the small intestines so that he eats less to be full but food and drink are reabsorbed very differently and quickly. With this being said, any alcoholic beverage afterwards affects him much faster and more potently than previously.

Casey began drug treatment court at the General Sessions level in 2003. It was his passion and his pride. It was his way to make a difference and give those who wanted a chance the possibility of cleaning up their lives, mending fences, and getting a second chance. He even took some of his participants from Judge Norman's court if they didn't meet criteria at that level. They were his greatest joy when participants succeeded and if they reverted back to using drugs and/or alcohol then they became his failures as he believed he succeeded when they did. Not long after all of the media around the David Chase case finally died down, there were a few occurrences of his drug court graduates who began using again, overdosed, and died. This affected him greatly and he would drink heavily afterwards and it would be all he could talk about at home to the point of sobbing and telling me he could still see their faces and it was his fault. He hadn't done enough. To soothe that pain he began drinking more regularly. I went with him and his drug court team to the national drug court conference in the summer of 2016 to learn more about Vivatrol as he planned to use it to help those addicts be better prepared and more successful at recovery even though his own addiction with alcohol was spiraling out of control at night. That summer he fell at the Sutler and had to spend three days in the trauma step down unit at Vanderbilt with multiple injuries including a fractured jaw and concussion and again at a local restaurant and bar close to our home. He refused to go to the ER with the paramedics the second time but from appearances, he may have broken his nose as he landed flat on his face with resultant bruising. I had some conversations with some of his closest friends and confidants at the time during that summer (2016) to include Judge Gale Robinson and Nan Casey. While Gale is a long-time friend, he is a recovered alcoholic and Nan is a recovered alcoholic and drug user who worked with Casey in the drug

court. I tried to get them to understand just how bad Casey was drinking at night and on the weekends and that it was escalating. On at least two occasions, and one was after his fall at the Sutler, those three and I spoke about having an intervention with Casey in order to get him to understand he needed help. Since he only drank at night and they didn't see how badly things had become because he functioned just fine during the day, they determined he didn't really need treatment at all. I've regretted so many times not trying harder on my own to get him to inpatient detox. If I had gotten him there, a lot of what has transpired may well not have come to pass. Casey and I had a lot of conversations about how he was hurting and how he needed to stop drinking however, in the light of day, he just didn't see it was needed.

Late in 2016, our son began losing a great deal of weight and was diagnosed with diabetes. At the time his blood sugars were so unstable we typically wouldn't leave him by himself. There is a text conversation from November 25, 2016 that I still had on my iPad between Casey and I that I have asked Peter to share with you as it speaks to the state of mind he was in about a recent loss of a drug court graduate, how he felt that he was responsible and how he had reached out to the national drug court director for help for himself and his staff. It was then that I learned of a term called "vicarious trauma". Apparently the national director felt this is what Casey and his team were either experiencing or were headed along the path to develop it. She was to work with him to get them into a week-long program in Washington.

Along with drug court, Casey had worked with the D.A.'s office to start yet another specialty court, Cherished HEARTS, in 2016 to help victims of human trafficking. His first graduate and her story affected him greatly and he spoke about her and her horrific story to everyone. While he was doing such an incredible great work on the outside, on the inside he was very tormented. It took him a long period of time, but he had finally realized what a bad place he was in and was doing something to help himself for once. It wasn't too long after this that he decided to start taking Vivatrol injections to help him stop drinking and he began going to Alcoholics Anonymous with Kevin Kelly, a fellow attorney, as his sponsor. In follow-up to his conversations with the national drug courts director, he was also arranging to have himself and his drug court staff travel for a week of training around vicarious trauma in June of 2017.

When the stories on channel 4 began in January of 2017 about an affair he had with Natalie Amos, etc., he became extremely anxious. Unfortunately I was out of town on business but his mental condition deteriorated to the point he was admitted to Parthenon Pavilion for five days. Regardless of the reasons for the news stories, knowing how badly the media blitz had affected him both psychologically and physically in the summer of 2014 with the David Chase case, I can certainly see why he thought that discrediting Natalie by having her sign something to the effect that she had lied would stop the media train. Jamie Vaughan, a planning editor at channel two and a friend of our family, knew about the affidavit Casey was hoping to have Natalie sign and planned to use that to discredit channel four and their reporter. More fuel for him to actually pursue it. In retrospect, probably not the smartest solution he could have come up with but again, having lived through the repercussions of a relentless media blitz a couple of years prior, I could understand why he thought doing something to discredit that young woman would create a resolution so he didn't have to live through that situation again.

I recently had the opportunity to speak with Liberty Lander, a U.S. Probation Officer of the courts. She informed me that if the August 31st date for sentencing held, she will not be present as she is participating in a conference on vicarious trauma. She explained to me that the federal courts have recognized the occurrence of vicarious trauma and the courts are working with law enforcement and others within the federal court system to educate and hopefully prevent this consequence from occurring. As I shared with her, I'm so grateful for the recognition of this condition however, for my husband, and I'm sure for others as well, this comes too late for him to reap those benefits as I truly believe that he has vicarious trauma. That, along with the alcoholism he developed, are behind what I see when I look at Casey today. Gary Wilson, the clinical psychologist who diagnosed Casey's depression, even told me that mixing severe depression with alcohol will result in risky behaviors. An unfortunate end to a career that touched so many lives for the good.

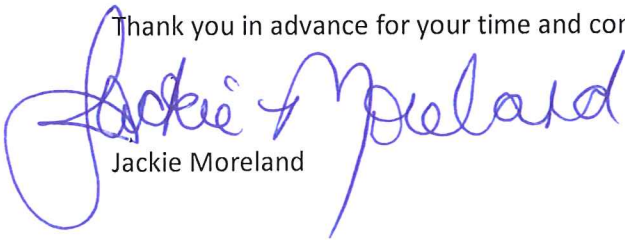
Ms. Lander asked me what bothered me the most about all of the things that have transpired. I told her that while we're all human and consequent to that we all make mistakes, Casey won't be remembered for the specialty courts he created like drug court, Veterans court, and cherished hearts or the Saturday morning courts he held with the D.A.'s office at local schools but for the mistakes that led to his resignation. I'm sure someone can figure out the amount of money he saved Metro Nashville by keeping people out of jail with his specialty courts and how much he brought in with his collection court. What no one can put a price on are the people he showed an alternative to in drug court, the families who were reunited because those participants worked hard to become clean, the fathers/sons/brothers/mothers/sisters/daughters who are still living and breathing and making something of their lives because this man cared enough to invest in them and make them do that tough work to get clean. Part of their recovery I witnessed, not just when I could make it to drug court or the graduations, but also when I saw them return to see and support others who were graduating even though they had graduated themselves. You can't put a price on the more than two dozen babies who were born drug free because this court helped their pregnant moms detox. Those babies had a better start in life, didn't have to go through painful drug withdrawals and hopefully will not have any neurologic repercussions as a result of his caring. At least one of those babies was named after him and he was so proud of that. You can't put a price on the women that he worked with in cherished hearts as they now have been given the opportunity to start a whole new way of life outside of being trafficked, often from city to city and state to state. He gave his heart and so much of his time and energy to them and he suffered so much anguish because of it that he hid from most everyone but I witnessed it at night when no one else was around to see him break down.

My husband went from being someone larger than life who talked to everyone and physically stood up tall and was strong for so many to someone who is withdrawn, can sit for long periods of time just staring off in space with slumped shoulders. This is the man who was presiding judge of the general courts for the three years that the Justice A.A. Birch building was being planned and built and was an integral member of the group who worked to have Justice Birch's statute created. Now when you talk to him his leg moves up and down incessantly and I've been told that's a sign of traumatic stress. They held him in solitary confinement for a great deal of the time after his confined on March 1st when he was taken back into custody. For someone with depression, I know that's been hard on him. That lack

of being able to move around led to skin breakdown on his left hip and his right hip reddened to indicate it wasn't getting good blood flow to the skin as well. Certainly not the man that many officers counted on to answer his phone after hours or ride with them on drug busts or get them in and out of court when they had just worked all night and needed to sleep so they could go back out on patrol a few short hours later. This is the man who, no matter where I went with him, there were always stories of what a wonderful, caring judge he was from those we would run into and worked in front of him in his courtroom.

Casey has been such an advocate for so many that I hope if all else, I can be an advocate for him. He spent years of his life helping others. I know I cannot fully explain the depth of his pain that I witnessed but I hope that you can understand that the love he had for his work and the people that he touched, while his motivation was also a detriment to his own mental health. I wish he had been able to get to whatever training he had planned for his team in Groton, CT. I wish he had decided to go to a psychiatrist for medical treatment and a clinical psychologist for counseling earlier than he did and I wish he had the chance to rethink so much of what he did because he's made such a positive difference for so many.

Thank you in advance for your time and consideration,

A handwritten signature in blue ink, appearing to read "Jackie Moreland". The signature is fluid and cursive, with a large initial "J" and "M".

Jackie Moreland

November 14, 2018

The Honorable Waverly D. Crenshaw, Jr., Chief Judge
US District Courts for the Middle District of Tennessee
Room A845, Estes Kefauver Federal Building and Courthouse
801 Broadway
Nashville TN 37203

Dear Judge Crenshaw,

I hope this letter finds you well. I'd like to take a few moments of your time to share my thoughts about my friend of many years, Casey Moreland.

Casey's family moved into the neighborhood we both grew up in back in 1964 when he was eight years old and I was seven. We did a lot together as young boys of those days, playing backyard sports, climbing trees and bike riding. Our friendship remained inseparable until we entered junior high school as he attended Goodpasture Christian while I remained in the public school system.

I followed Casey's path during his high school years and watched from the sidelines as he excelled in sports, including football where he was the starting quarterback. His talents took him to UT Martin where he once again won the quarterback spot on its team.

Casey's dad, Jim, was a master plumber who owned his two-man business and gave me my first job of shoveling gravel in ditches. He insisted on a strong work ethic for both Casey and his sister and their being involved in extracurricular activities. I believe Jim's insistence was a major factor in Casey's decision to attend law school after college.

In 1992, I began working in the court system for then Probate Judge Jim Everett. Since Casey appeared regularly before the court, we became reacquainted and over the next few years, our friendship remained strong. Along with several others in the legal community, I encouraged him to seek the Metropolitan Council appointment to fill the unexpired term of the late Judge Donald Washburn in 1995.

In 1998, Casey ran and was elected by Davidson County voters to his first eight-year term. He approached me that year about leaving my position with then Probate Judge Frank Clement and joining his staff in General Sessions Court. After a lot of thought, I made the decision to accept his offer and never regretted my decision.

This is where my story about the caring, compassionate man, I witnessed under his black robe over the next twelve years begins. Countless times over those years, I saw Casey reach into his own pockets and give those who had fallen on hard times the money to get a bus ride home or buy something for their family to eat.

It was his passion and desire to help those who had fallen into addiction that led him to create a misdemeanor drug court in 2003. His handling of those who relapsed two or three times always was stern, but because of his compassion, he never gave up on them.

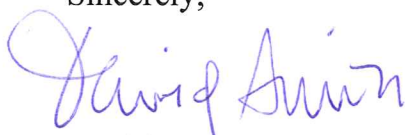
Several times I saw him waive fines and costs for individuals unable to pay, primarily those who had lost all hope and needed "another chance." Over his 19-plus years as a General Sessions Judge, he undoubtedly helped hundreds of people who were struggling and reaching out for someone's help.

In January 2010, I chose to leave my court position and pursue the Office of Juvenile Court Clerk for Davidson County. After my successful attempt at the position, I stayed close to my former co-workers and Casey on a professional level and heard the everyday chatter about the court system (across the river). I personally never heard anything but good things about Casey and his love for his role as a judge and his passion for the Davidson County Drug Court.

In closing, I am not sure where the road took a turn for my friend over the last couple of years given the fact that we saw less and less of each other due to our conflicting schedules. However, I do know from my personal experience that I witnessed the good in a man that cared deeply about others and gave back to his community. I ask you to please consider that important part of his life when you make your decision regarding his fate.

Thank you for your time and consideration.

Sincerely,



David A. Smith

DAVIDSON

Addicts' turnaround is drug court's goal

General Sessions program marks 1-year milestone

By SHEILA BURKE
Staff Writer

Christmas of 2002 was a low point in Kimberlee Stoots' life: She said she was living on the streets, selling her body, robbing people in Nashville's parks and just looking for her next hit of crack. She also was suffering from ovarian cancer, which went untreated while she smoked crack.

Her life was saved, she said, when she was arrested and went through Davidson County's General Sessions drug court. Rather than going to jail, offenders are steered to rehabilitation, education and training programs — and their progress is closely monitored by the court.

This drug court — different from Criminal Court Judge Seth Norman's program, which has received nationwide acclaim — turned 1 year old yesterday.

"It's like they've saved my life two times," Stoots said of the drug court officials. The court, she said, helped her not only deal with her addiction, but with the cancer she did not want to face. She said she has been drug-free for nine months.

"I didn't even start using cocaine until I was 30," said Stoots, who is now 36 and recently underwent a hysterectomy and is continuing with chemotherapy. "I didn't grow up with a family that used drugs."

She is from one of several segments of the community in the newest drug court.

"We've got meth addicts, we've got heroin addicts, and, of course, we've got a lot of crack addicts," said General Sessions Judge Casey Moreland, who presides over the specialized court. "We've got a pretty wide cross-section of our city as well. We've got folks that are upper income; we've got some that are lower income."

It mirrors the drug problem in society, he said.

It's hard to gauge how the court is doing so far. No one has graduated from its program because it takes so long to get through — 12 to 18 months.

So far, 66 people, drug addicts and alcoholics charged with driving under the influence, have come into the program.

Not all of them have stayed, the judge said. He has terminated participation by eight of them. And some, Moreland said,

"We had one last week who said, 'I can't do this program; I want to go to jail,'" he said.

The benefit to the community is that the addicts don't go to jail and cost the taxpayers money, and they get treatment for their drug addictions, the judge said.

And while these addicts have to be facing jail time on a misdemeanor charge — which is what General Sessions handles — there may not be much difference between them and the felons in Judge Norman's court.

Stoots admitted she had been lucky not to have been caught doing worse things. Many in General Sessions were either not caught with a large enough quantity of drugs to be tried in Criminal Court, or they could have pleaded down to a misdemeanor charge.

The program offers inpatient and outpatient drug treatment and frequent drug screens — three to four a week.

All of the participants are monitored electronically during the first phase of the program — something court officials learned was a necessary component to rehabilitation. That's when offenders are most likely to run, said Scotty Yates, a coordinator with the court.

They have to have jobs or spend their days doing community service. They are required to get a GED if they don't have a high school diploma.

During the first phase, participants have not only the electronic monitoring but a curfew of 7 p.m. They are offered life-skills classes if they need them, Moreland said.

There are penalties if the participants relapse. "If they miss treatment, they miss court — we go get them, and they go to jail," Yates said.

A team composed of members from the public defender's office, district attorney's office, sheriff's department and police department, and probation officers and a social worker meet with the judge each week to evaluate the cases.

Moreland hopes to expand the court, allowing it to take on 100 people at once. The court takes referrals from judges and lawyers, Yates said. Also, anyone facing jail time for a misdemeanor can call Yates at 862-8380, ext. 274, to see about entering the program. ■

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Drug court gives addict push into clean life instead of jail

By SHEILA BURKE

Staff Writer

Verrico Taylor started smoking marijuana 10 years ago at the age of 14.

Next, he was snorting cocaine. An addiction to both drugs during the next nine years cost him his education, numerous jobs and two romantic relationships.

Taylor, who goes by the nickname "Rico," was arrested three years ago after getting caught with marijuana, a gun and scales, used for weighing the pot for sales. But Taylor said he was doing more smoking than selling.

He was put on probation and failed every drug test he took.

Referring to his probation officer, he said yesterday, "I was just telling her, 'I've got a problem.' I had been smoking since I was 14 years old, so it wasn't easy for me to just stop overnight. I was telling them, 'I need help. I need help.'"

That help came in the form of a new misdemeanor drug court program.

Yesterday, Taylor became the first graduate of Davidson County's



LARRY MCCORMACK / STAFF
The first graduate of Davidson County's General Sessions Drug Court, Verrico "Rico" Taylor, gets a ribbing about gaining weight in the program from Judge Casey Moreland, holding Taylor's mug shot.

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ALL RISE

May 28 at 8:19pm

When someone graduates from drug treatment court, the ripple effect of their success goes far beyond themselves. In other words, when one person rises, we all rise.

Shetara Perez gave birth to a happy, healthy, drug-free baby girl because of the help and hope provided by Tennessee's Davidson County Drug Court. She named her daughter Casey after the judge, Casey Moreland, who supported her along the way.



Graduate names daughter, born drug-free, after her treatment court judge

wktn.com

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Courts

Clean and sober

To be a winner in Drug Court, you first have to acknowledge that you've been a loser

By James Nix

jnix@nashvillecitypaper.com

Brandy Frazier weighed 96 pounds at the time of her last arrest.

She started shooting heroin — the first drug she ever tried — at age 15, and she spent the next 15 years putting needles in her arms.

She'd been in and out of jail a few times, receiving probation but not giving up her habit of using intravenous drugs. Last year, while in Generals Sessions Court, she was offered Treatment Court, a voluntary program for repeat nonviolent drug offenders meant to reduce the recidivism rate and increase the recovery rate.

Frazier took the offer — but for the wrong reasons.

"I wasn't ready to stop using at all. I was pretty much looking for a way to get outside and get high again," she said.

She eventually made it far enough through the program to land in a halfway house. But there she found a fix, got high and began the cycle anew. She ran out on the program and spent about seven months on the outside, living in a crack house, shooting up what she could get her hands on.

The law caught up to her again. After her last arrest, Scott Ross, manager of the program better known as Drug Court, offered her a second chance. But she would have to detoxify in jail and pass treatment there.

"I knew I was going to have to sit for a while," she said. "I needed to sit still, and I needed to get clean."

"The thing about Drug Court is if you're doing what you're supposed to do, it's the best thing that can happen to you," said Frazier, now 31. "But if you're trying to just get out of jail and you don't want to stay clean, you're going to end up right back where you were."

After General Sessions Court Judge Casey Moreland tired of seeing the same nonviolent drug addicts pass through his courtroom, he sought a way to stop the "revolving door" and curtail the costs of not only the crimes committed by the drug offenders, but also the costs to Metro — of the repeated arrests and housing in jail.

Following a trend

In the mid 1990s, drug courts had popped up across the country. A federal grant from the Department of Justice allowed Moreland and his Drug Court team to study other programs, and in 2003, Moreland established Drug Court.

"We save the taxpayers almost \$1.8 million a year just in housing-of-inmate costs," Moreland said.

Drug Court is a three-phase program presided over by Moreland, managed by Ross and facilitated with the cooperation of the Davidson County Sheriff's Office, the Metro Nashville Police Department, the District Attorney's Office, the Public Defender's Office, and social workers.

It's up to prosecutors to decide who is eligible, with Ross accepting who he thinks is right for the program. Then, at a newcomer's



BRANDY FRAZIER
AND LYNDSY MERCER

first Drug Court docket, Moreland asks the person two questions: "Do you want to be in Drug Court?" and "What are the two rules of Drug Court?"

The answer to the latter: "Be honest" and "Stay clean," in that order. Those who answer correctly move into the program.

The first phase lasts a minimum of six months. Participants go to court every week and are tested for drugs a minimum of three times a week; random tests also occur. Participants have to stay sober for six months before they can progress out of the first phase.

Every week during this period, participants go through four days of intensive outpatient treatment, to court every Wednesday, and three group meetings.

The second phase eases in intensity a little. Participants go to court every other week and the drug tests aren't as frequent, but they're still done on a random basis. The outpatient treatment is reduced to twice a week, but frequency of group meetings is increased.

Phase three takes a minimum of two or three months, with monthly court appearances and less frequent drug tests. In this

final phase, participants must attend a "Back to Basics" class, an intensive refresher on all they learned in the program. By this stage many have submitted a plan for moving back into the community at large while avoiding past pitfalls.

Those who succeed through all phases, including a daylong service project, are recommended for graduation, usually an emotional ceremony.

"I have not had a graduation that I didn't have to turn away and wipe a tear away or something like that," Moreland said.

Week in, week out

Emotions also run high every Wednesday at 2 p.m., when Moreland presides over the Drug Court docket. Here, participants face the judge and a panel of staff members who oversee their treatment and progress. The docket immediately follows a panel meeting reserved for a case-by-case review of the participants.

Moreland foregoes the robe and bench for a seat at a small table in the middle of the courtroom, where he's flanked by two tables of staffers. One by one, the judge opens a red folder, reads a name and listens for the report.

Staffers talk of participants' progress, working out who should advance to the next phase, who should get a second chance, or who should return to jail based on behavioral problems, such as being in a relationship with someone else in recovery or just not being honest.

Dana Smith, 33, graduated from Drug Court in 2008, following a relapse into drugs prompted by the death of her 3-year-old son.

Now, after studying social work at Trevecca Nazarene University, Smith sits on the Drug Court panel, mixing her schooling with her own experiences to spot red-flag behavioral issues.

"I've been there, so I've done most of the things that they lie about," Smith said. "Sometimes I can spot things, maybe, where someone who is trained in social work but maybe who has never been a thief or a liar or a good con man might not pick up on it as much."

"The thing about Drug Court is if you're doing what you're supposed to do, it's the best thing that can happen to you. But if you're trying to just get out of jail and you don't want to stay clean, you're going to end up right back where you were."

BRANDY FRAZIER
Drug Court participant

Following the panel meeting, the participants enter the courtroom to face the judge, usually one at a time. Nerves can run high. One man, standing stiff three feet in front of the seated Moreland, didn't breathe.

"Take deep breaths," Ross reminded him.

Moreland told the man, so worried about doing the right thing in Drug Court, that he is progressing fine.

One woman proudly asked if she could show Moreland the GED she recently earned, while another brought her new baby, born drug-free.

As five participants were promoted to phase three, Moreland sent another woman to jail, calling her a "drain on society" because of behavioral problems.

'Gift from God'

Ross said his team could tell, usually within the first 30 days, how serious a participant is.

"Most of our runners run in the first 30 days," Moreland said.

Lyndsey Mercer, 24, ran from Drug Court after a month in a halfway house.

Mercer had been addicted to pain pills for five years and shot heroin for eight

months. She survived six overdoses and went to rehab five times, passing in and out of jail in between.

"My sister was murdered over drugs, and you would think that I would've learned from that, but I didn't. I'm very stubborn. I had to learn things the hard way."

"If you're going to do it, you have to do it for yourself. You've got to hit rock bottom before it'll work," Mercer said.

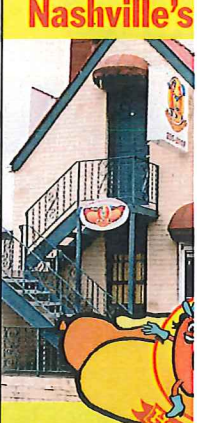
After running the first time, she turned herself in, this time knowing she needed Drug Court.

"After my sister was killed, my mom couldn't take losing another daughter," Mercer said, tears pooling in her eyes. "I've always been hard-headed, and I've got to figure things out the hard way. But I have no doubt in my mind that I'd be dead or in jail right now if it weren't for Drug Court."

Now, as a Drug Court graduate approaching two years of sobriety, Mercer returns weekly to help the program.

"Drug Court is a gift from God, but at the same time you've got to want it." ■

The Nashville's



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Jennifer Lichstein

judge.

I just wanted to let you know that I feel very fortunate to have had the chance to work with you and the drug ct team. It never ceases to amaze me that when people receive the support they need, they're able to make the choice to stay clean -- even after a lifetime of addiction. I honestly can't even imagine how difficult that must be. Drug ct participants are lucky that they have this program available to them & I'm proud to have been apart of it.

As I move on to the cruel world of criminal court, I will never forget this valuable experience. Congratulations on a very successful first year. and thanks also for always listening to me and making it a real team effort. Don't be forgetting who I am!!

My best,
Jen



August 9, 2012

Judge Casey Moreland
100 James Robertson Parkway Suite 100
Justice A A Birch Building
Nashville, TN 37219

Dear Judge Moreland:

There is no way we can possibly tell you how much the help we had with the KaBOOM playground really meant to us. We are so grateful to you, Lynn Rollins and the people from the Recovery Program for all the wonderful help that they gave to us on "Build Day". We want to thank you and your program also for furnishing all the bottled water for the day.

The day was spectacular in so many ways. There were 382 volunteers working in extreme heat, working side by side in harmony. The playground was actually finished in a little more than 6 hours and is just beautiful!

All of this just proves that when people come together to accomplish a worthwhile goal, it gets done.

Thank you again for your help with this project and we hope you will come by and see our wonderful playground. The children love it!

Blessings,

Candye Goode
Candye Goode
Executive Director

*What a blessing
your team was
and then there
was the WATER!!
Thank
you!*

**Helping to build a bright future for
children and families in need**

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2017

DAVIDSON COUNTY DRUG COURT HONORS GRADUATES

February 1, 2017

Davidson County Drug Court (now Recovery Court) honored its new graduates today, February 1, 2017.

Tennessee Supreme Court Justice Cordelia A. Clark was the keynote speaker, and addressed the audience making the achievements of each graduate the journey to overcome their struggles and their ability to now share the journey to help others.

"The Tennessee Supreme Court is proud of each and every one of you," said Justice Clark.

General Sessions Judge Casey Winward presided over the graduation, welcoming each individual as a new graduate of the program, and although the journey was tough, the graduates said it was all worth it.

"This court saved my life," said Wendy Harmon, Drug Court graduate. "My life is now worth saving, and now it is."

At Drug Court graduation Michael Moss' friend said he heard himself leading down the aisle of an earthly city. While intoxicated, Moss was unfortunately committing a crime owned by a family member of General Sessions Judge John B. Mahan. Judge Mahan heard Moss' case to help, and called on him to drug court. It was a new world, and graduating the program. Judge Mahan was at the graduation to recognize Moss' accomplishments.

Graduate Kimberly Maddox put the day into perspective. "This isn't the end. This is the beginning."

Since its inception, the number of those applying for the treatment program has grown significantly to over 100 participants. The court offers an intensive and ongoing program, requiring from 12-18 months to successfully complete. Participants are required to attend treatment services at least three times a week, substance abuse monitoring four times a week and bi-weekly housing requirement when taking classes in anger management, life skills and job readiness. Classes also are offered to those who desire to earn their GED diploma. There are two rules that a participant must agree to while in our treatment court: **Be Honest and Stay Clean.**

[See KWSN-Channel 2 Class of 8 Graduates from Davidson County Drug Treatment Court](#)



Judge Casey Winward, along with the Davidson County Drug Court graduates, from left to right: Joyce Clark, Kimberly Maddox, Wendy Harmon, Judge Winward, Michael's Family, Jean Anne and Michael Moss.



Judge Clark speaking to graduates, friends and family at Davidson County Drug Court graduation.

DAVIDSON COUNTY DRUG COURT HONORS GRADUATES

February 1, 2017

Davidson County Drug Court (now Recovery Court) honored six new graduates today, February 1, 2017.

Tennessee Supreme Court Justice Cornelia A. Clark was the keynote speaker, and addressed the audience, noting the achievements of each graduate, the journey to overcome their struggles and their ability to now share the journey to help others.

"The Tennessee Supreme Court is proud of each and every one of you," said Justice Clark.

General Sessions Judge Casey Moreland presided over the graduation, welcoming each individual as a new graduate of the program, and although the journey was tough, the graduates said it was all worth it.

"This court saved my life," said Wendy Harrison, Drug Court graduate. "My life wasn't worth saving, and now it is."

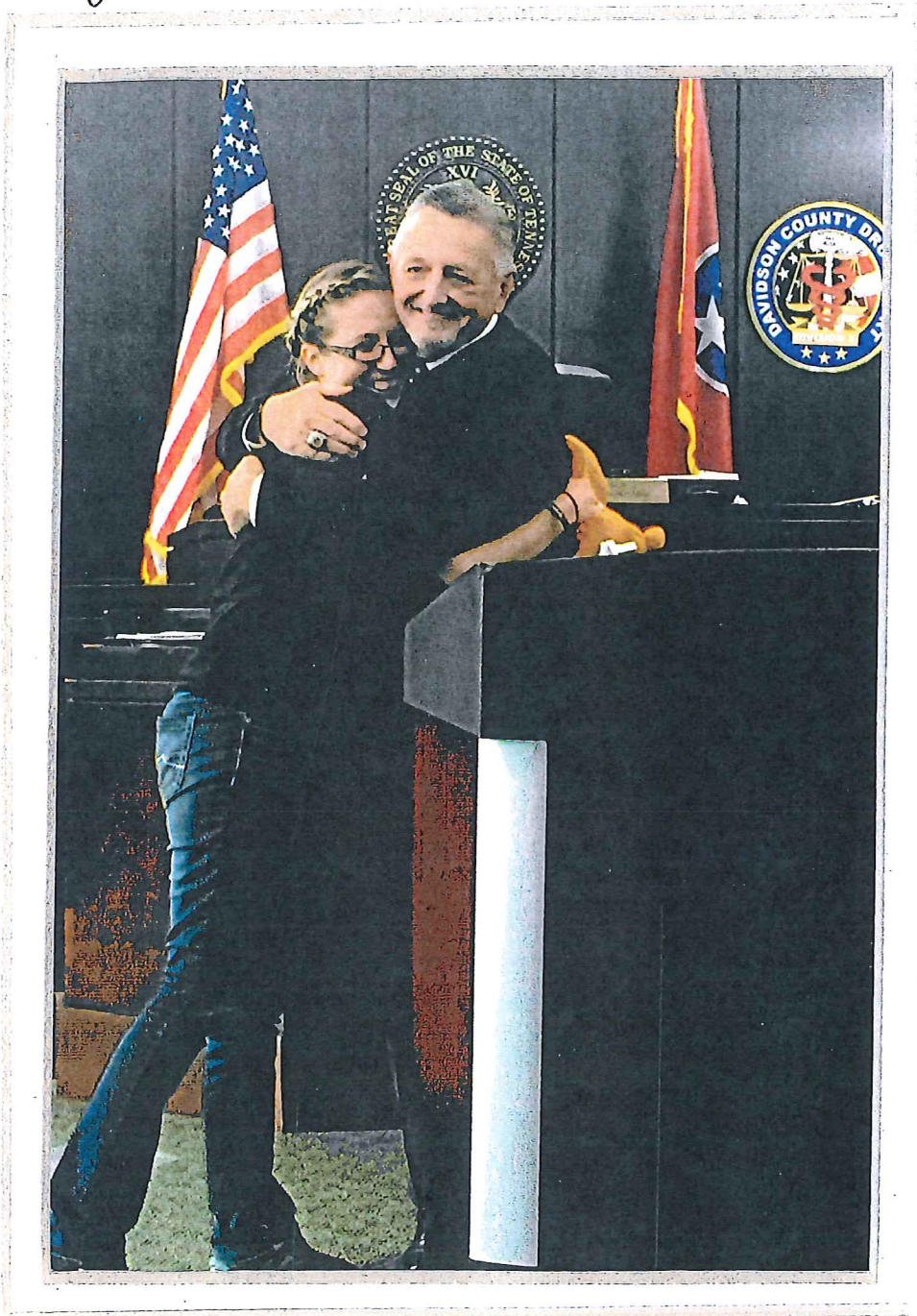
At Drug Court Graduate Michael Moss' lowest point, he found himself beating down the door of an unlikely ally. While intoxicated, Moss was unknowingly vandalizing a home owned by a family member of General Sessions Judge Gale B. Robinson. Judge Robinson heard Moss' cries for help, and got him enrolled in drug court. He is now sober, and graduating the program. Judge Robinson was at the graduation to recognize Moss' accomplishments.

Graduate Kimberly Medders put the day into perspective, "This isn't the end. This is the beginning."

Since its inception, the number of those opting for the treatment program has grown significantly to over 100 participants. The court offers an intensive and lengthy program, requiring from 12-18 months to successfully complete. Participants are required to attend treatment services at least three times a week, substance abuse monitoring four times a week and transitional housing residency while taking classes in anger management, life skills and job readiness. Classes also are offered to those who desire to earn their GED diplomas. There are two rules that a participant must agree to while in our treatment court-*Be Honest and Stay Clean*.

See [WKRN-Channel 2 Class of 6 Graduates from Davidson County Drug Treatment Court](#)

Thank you
for believing in
me when I couldn't
believe in myself.
You inspire me to change
the world.
Your cherished heart,
Amberley



8/25/16

City trafficking court honors first graduate

Program works to help victims-turned-suspects

STACEY BARCHENGER

SBARCHENGER@TENNESSEAN.COM

For years she was trafficked, sold to others for sex by her husband. The woman said she used drugs, leading to an addiction, and was stabbed several times during an attack.

"I couldn't even walk out of my house without being high because I was so afraid," she said.

On Tuesday the woman began a new chapter, becoming the first graduate of Nashville's human trafficking intervention court.

The program works to identify people arrested for crimes such as prostitution or drug offenses but who prosecutors say are sucked into a lifestyle they learned because they are victims of human trafficking. The court program provides resources and puts a focus on treatment.

"I was given a choice and an opportunity to come into this program and I came in with fear and trepidation, but also honesty, open mindedness and willingness," the woman said.

Prosecutors and the woman asked that the woman's name not be published out of concern for her safety, saying the man who trafficked her is not in custody. Her story was corroborated by General Sessions Judge Casey Moreland, who oversees the program.

There are a dozen women participat-

Combating trafficking

The Tennessee Bureau of Investigation has launched a campaign to end human trafficking.

There is also a Tennessee Human Trafficking Resource Center Hotline: 855-558-6484.

ing, Assistant District Attorney General Tammy Meade said. The program began earlier this year amid ongoing efforts in Nashville and statewide to combat the crime.

"The women who come to Nashville, live in Nashville, are just passing through Nashville, who are caught in the cycle of prostitution and human trafficking, we owe this to them," Meade said.

The program is formally named Cherished HEARTS.

The first graduate went through extensive drug treatment and counseling since her arrest, got a job and found stable housing, Meade said. She is working on getting her driver's license back.

"I don't have to walk in fear anymore," the woman said during the ceremony. "And I don't have to go back to doing the things that I did just to have a roof over our heads, or some misconception of love."

And she has found a way to move beyond the physical scars that trafficking left. The scars from where she was stabbed are now covered by tattoos of butterflies, she said, a symbol of rebirth.

Reach Stacey Barchenger at 615-726-8968 or on Twitter @sbarchenger.

(From left) Judge Casey Moreland, Assistant District Attorney General Tammy Meade, Shelia Simpkins of End Slavery Tennessee and Assistant District Attorney General Deb U. Smith, who operate Cherished HEARTS, Nashville's human trafficking intervention court, pose for a photograph Tuesday, after the first graduation from the program.

STACEY BARCHENGER /
THE TENNESSEAN





CHIEF JUSTICE SHARON G. LEE

2-12-16

Dear Judge Moreland,

I applaud you for your role
in Bringing Justice to
the Tennessee Article
program with great pride - you
make us all proud - Thank
you for your service - Sharon



SHELLEY MAYS / THE TENNESSEAN

General Sessions Judge Casey Moreland, left, jokes with Rickie Dibrell, who appeared in court, which was held in the cafeteria at Croft Middle School on Saturday. Assistant Public Defender Joan Lawson, left, and Cassie Roberts, a Vanderbilt Law School student, look on.

Bringing justice to you

At the recent Saturday court event:

- » 36 parents had court costs waived and sought to expunge old charges.
- » 5 more parents sought to expunge charges only.
- » \$52,276 past-due court costs were waived for the 36 parents.

In Davidson County:

- » \$23.26 million in court costs, fees and taxes were assessed in the most recent full fiscal year.
- » \$9.75 million of those costs were actually collected.

By going into schools, court program seeks to solve parents' minor issues — on comfortable terms

STACEY BARCHENGER
SBARCHENGER@TENNESSEAN.COM

For Leondra Benford, going to court in a school cafeteria on a recent Saturday morning was a big relief.

For Rickie Dibrell, it was one of the best mornings he'd had in a while.

Benford and Dibrell are both parents of Metro Nashville Public Schools students who participated in a program that has two goals: Help parents understand and resolve minor legal issues, and help the justice system take care of cases that could linger for years and bog down the

courts — or never get resolved at all.

The program is a collaboration between Metro Schools, the Nashville public defender and district attorney, and the Criminal Court Clerk's Office. By bringing court into Nashville's neighborhoods on the weekend, parents who struggle to make ends meet can resolve cases without choosing between going to work or going to court.

"We started around the idea of thinking, if there was a way we could make the criminal justice system a little easier

See Court, Page 12A



SHELLEY MAYS / THE TENNESSEAN

Rickie Dibrell, center, sits across from Assistant Public Defender Joan Lawson, right, and Cassie Roberts, a first-year Vanderbilt Law School student, to help him get his driver's license reinstated on Saturday at Croft Middle School.

Court

Continued from Page 1A

and less mystifying for families, it would be a good thing," Public Defender Dawn Deaner said.

The schools identify and contact parents who qualify for the program. Typically those parents have old cases with minor charges that can be expunged, need help getting their driver's licenses back or face snowballing fees.

The parents gather in the gym or cafeteria of a school chosen by the district and sit down with assistant public defenders who work with them one on one. Then they go before General Sessions Judge Casey Moreland.

Moreland said he treats those cases the same as any that would come through his courtroom Monday through Friday, though occasionally he does rule from a table built for someone a sliver of his size and

"We recognize there are adverse circumstances that affect not only students but their parents."

TONY MAJORS

METRO PUBLIC SCHOOLS CHIEF SUPPORT SERVICES OFFICER

wears jeans and a sweater instead of his black robe.

Tennessee law allows judges to waive some court costs for indigent — or poor — people and dictates what charges can be expunged, or erased, from a person's record.



SENIOR JUDGE

STATE OF TENNESSEE

CHAMBERS OF
DON R. ASH

Judge Moreland -

I know these are difficult days for you and your family. I hope through this process you ^{will not} lose sight of the many positive things you have accomplished.

Your legacy is the lives you have helped in drug court and throughout your time on the Bench. Don't forget that.

I know you will show grace and strength as this process continues. You and your family remain in my prayers.

Soli Deo Gloria!



CASEY.

"2017"

Just wanted to let you know we
Remember the INFLUENCE you had on a lot of
Young men, we like to call it the "good ole days".

Hang in there, we know you are a FIGHTER,
BUT better yet you are a WINNER!

Praying for you and Jackie.

ISAIAH 41:10

Fear Not, For I am with you, Be not dismayed, For
I am your GOD, I WILL Strengthen you,
Yes I will help you, I will uphold you with my
Righteous Right hand.

— May God Bless You
— We Love Ya CARL & Patsy
MOSS

JUDICIAL WELLNESS: VICARIOUS TRAUMA AND SECONDARY TRAUMATIC STRESS IN JUDGES

(Editor's Note: For the past number of years I have been working on an article the topic of vicarious trauma in judges, and reading the very interesting studies and articles written on the subject. The concept for the article was originally intended as a guide to new judges on how to keep your head when all about you are losing theirs and blaming it on you. But as I got further along in my career, I realized that the person who most needed this message was yours truly. I hope there is something in this lengthy article that may be of some benefit to you, no matter what stage of your judicial career you are at.)

Contents:

1. Introduction/Personal Observations
2. Defining Vicarious Trauma
3. Manifestations
4. Addressing the Problem: Coping Strategies
5. Conclusion
6. Bibliography

1. Introduction: Some Personal Observations on Judicial Wellness

The subject of wellness within the legal profession is one in which I have been keenly interested from early on in my career. As a very new lawyer I was fortunate to have the influence of more seasoned members of the profession who were able to offer me personal guidance in addressing some behaviors and habits which, if left unaddressed, would have meant a very different and less enjoyable career path than the one I have been fortunate enough to follow. This in turn led to involvement with the Lawyers Concerned for Lawyers Program in Saskatchewan and the Lawyers Assistance Program in British Columbia. I have served as a peer volunteer with both organizations and have also served as a member of the board of directors of each of these bodies, including as a member of the founding board of the former.

In February of 2003 I became a judge of the Provincial Court of British Columbia. I had always imagined that becoming a (continued on next page)



Vicarious Trauma (Contd.)

judge would mean reduced levels of stress compared with those faced by members of the bar. Judges didn't get stress, they caused it, or so I had believed. I was reminded what a friend of mine from Saskatchewan had said when he was applying to become a member of the bench: "If you're going to be in the circus, you may as well be the ringmaster." This made sense to me. No demanding clients, no concerns about billings or billable hours, no keeping up with Law Society rules and requirements, no worries about being sued, no lost sleep over whether or not a limitation period had been missed, no office or staff to manage; it sounded like Utopia.

I soon learned that judges have their own unique stresses and challenges, different from those faced by members of the bar. I learned this early on when I went for a congratulatory supper with an old friend and in the middle of the meal, my friend's wife suddenly chose me as the focal point for every grievance she had with the criminal justice system as she went on a raging tirade against every lenient sentence ever imposed by every lenient judge in the country. Judges, I learned, ranked in public esteem somewhere around used car salesmen and lawyers (but mercifully ahead of politicians.) I soon learned not to discuss what I did for a living outside of legal circles because it seemed that everyone had some resentment, real or imagined, against the public justice system, which they were only too happy to vent if and when they had the opportunity for social interaction with a real judge.

I had witnessed colleagues who had made decisions which ran afoul of prevailing public sentiments in the media and the scorn that was heaped upon them from the community. In some cases I witnessed these judges being vilified on editorial pages and in radio and television reports. Sometimes reporters would try to ambush them as they left their parking lot, or worse, at the judge's home. The experience of one British Columbia superior court judge and the public response to the judge's decision in a notorious child pornography case is one of the best examples of the ugly side of media targeting and a profile of a very courageous jurist. When I had my own first experience with rendering a decision found unpopular in the media, it made me

reluctant to ever open another newspaper. It didn't seem to lessen the shock when one editorial writer who had excoriated me for a sentence I had imposed concluded her column by acknowledging that she hadn't actually seen the reasons for my decision.

As a new judge I adopted a policy of putting up walls between work and home. I would never bring work home. If I had to work on a judgement I would do so at my office, never at my home. I also followed the habit suggested to me by a senior provincial court judge, who suggested shredding my notes on a matter once I was finished with it. My wise colleague told me that second-guessing the decisions of the day was a fool's errand, and if I ever needed to revisit the matter, an audio recording of the actual proceeding could always be accessed. I followed that advice for some time. Over time however I would find myself lying in bed at night, trying to go to sleep, but instead replaying the worst scenes from my workday over and over in my mind. I had expected this to be something that newer judges might do, while more experienced judges would know better. Instead the reverse appeared to be the case for me.

One of the first things that every new judge has to do is to get fitted by a tailor for his or her robes and other judicial attire. The tailor I saw was a well-known and very experienced Vancouver tailor who for decades provided judicial attire for the judges of all levels of court in this province. When I was being measured, he said "I'm going to add a few inches to the waist of the pants. Every new judge gains fifteen pounds the first year." Not me, I insisted. I had just completed my fourteenth marathon and there was no way that was going to happen to me. Fortunately for me, he ignored my insisting that I was different from all of the other judges he had dealt with over his lengthy career. It was a good thing too. He was right, I was wrong. I have heard the same thing from almost every other judge and I wondered why this was so. What was it about becoming a judge that caused us to jeopardize our health in this manner?

For a number of years I represented the Provincial Court of British Columbia on the board of directors of the Judges Counselling Program, which for Canadian judges is a sort of national equivalent to the lawyers' assistance programs. In such capacity I

learned that stress manifests itself among judges in many of the same ways it does among lawyers and likely in the same ways as it does among much of the general population. What was unique for judges however was a strong reluctance to acknowledge that stress, for fear that doing so might somehow undermine public confidence in the Canadian judicial system. Denial and an unwillingness to seek help were endemic among judges. For example, at one judges' conference I mentioned to a judge from another province that I was on the board of directors of an organization (the Judges Counselling Program) concerned about judicial wellness. The judge quickly responded by informing me that he had no problems that required counselling or assistance, but that if he did, he would prefer to be provided with written information about the problem and self-treat rather than actually have to talk to someone about the problem. For him, having to admit a problem to another person was more of a stigma than the actual problem itself.

All of this has fed my interest in the field of judicial wellness. Like many small groups who face unique tasks that members of the general public are unfamiliar with, judges face unique stressors. In my time as a member of my court, I have come to feel close to my colleagues and concerned for their welfare. They are good people trying to bring order amid chaos and dysfunction. They become overly concerned with making life better for others, which can often result in their overlooking their own well-being. Because they are people that I care about, I am keenly interested in helping them to face these challenges, and in the process to help myself.

2. Defining Vicarious Trauma



In the course of receiving reports about health and wellness issues confronting members of the judiciary I learned about the concept of vicarious trauma, sometimes also called secondary traumatic stress or compassion fatigue. This is a condition often experienced by persons in the helping professions (such as health care professionals, police officers, firefighters and others) who acquire their own unhealthy symptoms as the result of having to encounter the negative experiences of others. The authors of an excellent paper on vicarious trauma in Judges define it as follows:

"Vicarious trauma refers to the experience of a helping professional personally developing and reporting their own trauma symptoms as a result of responding to victims of trauma."

In another very informative paper prepared for the Legal Profession Assistance Conference of the Canadian Bar Association, Donald C. Murray Q.C. and Johnette M. Royer offer the following definition:

"It appears to be best understood as an effect. The effect is a disruption of an ordinary level of the psychological and emotional functioning of a helping professional. The disruption has a negative effect on the professional's competence in performing professional tasks. This disruption seems to be caused by a professionally obligated involvement with traumatic events, or a professionally obligated close contact with persons who have been involved with traumatic events."

In their excellent 2016 book on meditation for lawyers, entitled "The Anxious Lawyer", the authors ably summarize how lawyers take on the suffering of their clients, to the lawyer's detriment. They write at page 79:

"As lawyers, we're constant witnesses to human suffering. In many ways, the practice of law is very intimate. Our clients share their deepest, darkest secrets, and we're the keeper of these secrets. Holding other people's secrets can take a toll on us. As one woman who does child advocacy work shared, there are certain things you hear or see that you can never un-see or un-learn. Despite this, we are not taught tools for handling the trauma of witnessing the pain of others. We're often told we shouldn't bring our emotions or feelings into any case and there is no room for it in any professional context. If we cannot have a healthy outlet or a (continued on next page)

Vicarious Trauma (Continued)

way of processing our emotions and caring for ourselves, it is any surprise that as a group we disproportionately use substances to dull the pain?"

These comments about bearing witness to the pain of others, and to things we hear or see that we "can never un-see or un-learn" apply to judges as well. More specific to judges, I find the following definition from Judge Michael Town, Circuit Court Judge for the State of Hawaii, to be particularly helpful and accurate:

"Compassion fatigue in judges is the result of vicariously becoming worn down from hearing and deciding cases where people have been physically and emotionally injured, hospitalized and at times killed. These are litigants who suffer on our watch, so to speak. These cases have a way of creeping into our lives and this is only natural if the judge cares about and is engaged in his or her work. For most judges, the volume and nature of the cases can be overwhelming at times. Indeed, one tough case with a bad outcome can be devastating."

Those who have studied this issue have noted that it has become increasingly more relevant and prevalent among judges. Criminal and family court cases bring with them exposure to the worst aspects of human behaviour and cruelty. For example, judges who sit on the court I belong to can expect to be confronted with several cases involving fatalities each year. Criminal dockets contain numerous allegations of serious violent offences including aggravated assault, assaults causing bodily harm, assaults with weapons, sexual assaults, domestic violence and cruelty to animals.

Offences involving child victims are particularly distressing and every judge who is a member of the court that I belong to can expect to hear a significant number of hearings involving child sexual abuse, sexual touching, invitation to sexual touching, sexual exploitation and child pornography cases. The latter are especially emotionally painful, knowing that somewhere a helpless infant has been degraded, abused and objectified, made to feel powerless in such a dehumanizing manner. The victimization of children and other sexual assault victims is compounded when they are required to re-enact their hurt through testimony and undergo cross-



examination which, while legally permissible and sometimes required in an adversarial system of checks and balances, can also be very degrading to the witness, often resulting in a type of re-victimization.

Family cases also contain many distressing aspects. Child protection cases, by definition, involve some instances of harmful conduct against children who require the protection of the state. Custody and access battles generally contain significant dysfunctional aspects of harm to vulnerable family members.

There is little wonder that a steady diet of hearing about this unseemly side of human behaviour would have adverse affects on judges. As the authors of one article have stated, "Judges' dockets have changed dramatically in a short period of time and will continue to change as society tries to hold itself accountable for families, children, and communities in distress by placing more responsibility on the judiciary."

Judges with administrative responsibilities also face difficulties in attempting to manage the behaviour of difficult colleagues (often a futile pursuit) and to do more with less, as resources and budgets fail to keep pace with demand. For many American judges, they must take on their responsibilities compensated with low judicial salaries that have not been increased in many years. Many of these judges must also manage budgets that are inadequate for their expectations.

Isolation is a common stressor for many judges, especially for those who live in smaller communities, leading to a "fish bowl" existence. Regardless of the

size of the community or chambers, isolation is an occupational hazard for judges. As the Honourable Judge Gerald Lebovitz, a Supreme Court Justice in New York County writes:

“Many judges suffer from isolation. The burden of judicial decision-making is heavy. Judges must make these decisions alone. Loneliness plagues judges who are isolated due to their position in society. After taking the bench, judges often lose contact with friends, family, and peers.”

According to two sources cited by Judge Lebovitz, female judges report a greater level of isolation than their male counterparts. The study cited reports that, among 500 judges surveyed, 73% of female judges reported experiencing compassion fatigue and symptoms of depression, as compared with 54% of the male participants in the survey. Levels were higher in new judges who were female.

In many jurisdictions, high on the list of concerns for many judges is the threat of interference with the judge's personal safety or the safety of the judge's family. The tragic examples of the deaths of the husband and mother of U.S. District Judge Joan Lefkow in Chicago in 2005, the fatal shooting of Judge Rowland Barnes in Atlanta in 2005, the 2006 wounding of Nevada Family Court Judge Chuck Weller, the fatal shooting of Arizona District Court Judge John Roll in 2011, or the 2015 shooting of Texas District Judge Julie Kocurek of Austin outside of her home are all chilling reminders of the levels to which some disgruntled or mentally unstable litigants will go to as a means of expressing their displeasure with judicial decision-making.

There has been slowness in recognizing judges as persons who may be vulnerable to vicarious trauma and compassion fatigue. Judges do not have the same immediate exposure to the graphic nature of

trauma such as front-line workers like police officers, ambulance attendants, nurses, social workers and others. The reality is that judges and lawyers are increasingly provided with traumatic imagery such as crime-scene photographs, recorded 911 calls, video evidence, graphic medical reports with photographs of recent injuries, autopsy reports, photographs and videotapes in child abuse and child pornography prosecutions, and an array of other evidence which would shock normal sensitivities. In cases where there has been a fatality, the courtroom is often filled with grieving family and relatives whose pain for their loss is on display and who view the judge as the public face of a system that is inadequate to respond to an injustice which has resulted in their loss.

The judge's problem is compounded by a duty to remain objective and dispassionate, performing judicial duties while being forced to suppress natural human emotions for fear of being accused of bias.

3. Manifestations of Vicarious Trauma in Judges

The scientific literature suggests that vicarious trauma manifests itself in a number of ways. Symptoms are often categorized into the following groups:

1. Behavioral symptoms: Examples of this are sleep disturbances, nightmares, changes in appetite, nervousness, forgetfulness, negative coping behaviours such as smoking, drinking, or gambling, with or without addition, irritability towards others, or becoming withdrawn.

2. Physical symptoms: For example panic symptoms such sweating, rapid heartbeat, difficulty breathing, dizziness, presence of aches and pains, a decreased energy level, or a weakened immune system with accompanying increased susceptibility of illness.

3. Cognitive symptoms: These may include minimization of the subject's vicarious trauma, lowered self-esteem, increased self-doubt, trouble with concentration, confusion, disorientation, perfectionism, racing thoughts, a loss of interest in previously enjoyed activities, repetitive images of the trauma, and thoughts of harming oneself or others.

(continued on next page)



Vicarious Trauma (contd.)

4. Emotional symptoms: These include feeling helpless or powerless, guilt, numbness, oversensitivity, emotional unpredictability, fear, anxiety, loss of empathy, increased intolerance, sadness or depression.

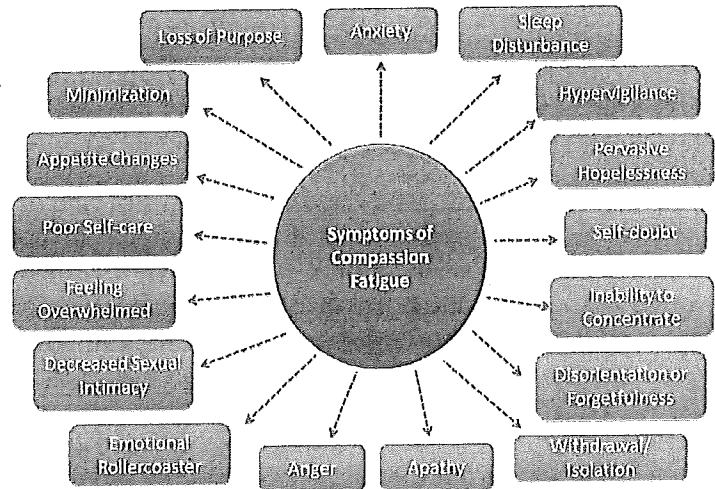
5. Social symptoms: These may manifest themselves by withdrawal and isolation, loneliness, irritability and intolerance of others, distrust, projection of blame and rage, decreased interest in intimacy, or changes in parenting style. A helpful summary of the many manifestations of vicarious trauma among judges and lawyers is found in an excellent article in the February 2015 edition of Canadian Lawyer magazine by Donalee Moulton, entitled "Vicarious Trauma: The Cumulative Effects of Caring". The author writes:

"Withdrawal is one of the common symptoms of vicarious trauma. Other symptoms include difficulty solving problems, a sense of being disconnected from work and home, and feelings of powerlessness. In response, lawyers and judges may take on greater responsibility, work longer hours, and attempt to exert greater control over others. They may also become more distant and withdrawn, more cynical, and even more accident prone. It is not unusual for victims of vicarious trauma to develop chronic health problems. Sleep is also disturbed, notes [Dr. Isaiah] Zimmerman, who has conducted interviews with more than 55 Canadian judges on the issue of vicarious trauma. It impinges upon their consciousness. They can't get rid of it."

The author goes on to note that "isolation only increases the potential for developing vicarious trauma.

6. Bullying behaviour: This may be situational, caused by a bad day, or it may be a pattern of a judge who takes advantage of the power imbalance between himself or herself and the lawyers or litigants. (Fortunately, this type of behaviour appears to be less frequent than in past eras).

7. "Judgeitis": Counsel will often refer to a judge who has drifted into the realm of unpredictable behaviour as having "judgeitis". In John Mortimer's 2006 work about his fictional alter-ego the criminal barrister Horace Rumpole entitled "Rumpole and the Reign of Terror", Rumpole explains what judgeitis is to his wife Hilda in this extract from Hilda's



memoirs:

"Another annoying thing. Rumpole told me that he was offered a 'circus judgeship'. The offer came through a Q.C. called Peter Plaistow, who is apparently very close to the Prime Minister and who comes across so well when he talks about politics on television. Well a circuit judge may not be the grandest job in the land. Rumpole would only get to be called 'Your Honour' and not 'My Lord', like a High Court Judge. But in my opinion, Rumpole ought to be quite flattered to be called 'Your Honour', and it would provide him with a safe job and pension for us when he retired. 'Why not take it,' I put it to him quite tactfully, 'and spare yourself all this anxiety about losing or winning cases?'

"I don't want to do it,' he said. And when I asked him why ever not, he said, 'I might develop 'judgeitis'."

"Of course I asked him what that was.

"A ridiculous inflation of self-importance, with increased intolerance; a fatal tendency to suck up to



juries, to interfere with cross-examinations by defending counsel; and doing your best to find all the customers in the dock guilty.”

Judge Gerald Lebovits writes:

“Judges who experience judgeitis become overly absorbed in their professional role, lose some of their former identity, and become ‘unable to relate as a peer to most people.’ The power trip of judgeitis can build up a judge’s façade of infallibility that can trickle into the courtroom and the judge’s personal life. New judges are especially susceptible to judgeitis. Culture shock accompanies the first months after judges are appointed or elected. Their once-private life is now public. The learning curve is steep. It’s quite intimidating.”

In a study of judges conducted in 2003, the results of that study disclosed that 63% of those judges surveyed reported experiencing at least one (or more) symptoms of vicarious trauma, with female judges being more likely than their male counterparts to report the presence of these symptoms. The study also found a significant difference with those judges having less than seven years of experience and those having more.

Intuitively, one might suspect that with experience comes the ability to cope with stressful situations and therefore symptoms of vicarious trauma may be expected to subside. The study found the reverse to be true, with judges with seven or more years on the bench being more likely to report the presence of one or more symptoms, as well as being more likely to report a significantly greater number of symptoms. The most common symptoms experienced were sleep disturbances, intolerance of others, and physical complaints in the short term, and sleep disturbances, depression and a sense of isolation in the long term.

These manifestations have been recognized more openly in recent times than they have in the past. But the factors that cause these symptoms continue to grow. Carol Baird-Ellan, former Chief Judge of the British Columbia Provincial Court made the following observation in August of 2017:

“Apart from traumatic material, judges’ workload has been steadily increasing over the years, and that has caused an increasing stress level. Administrators and governments are always keen to achieve

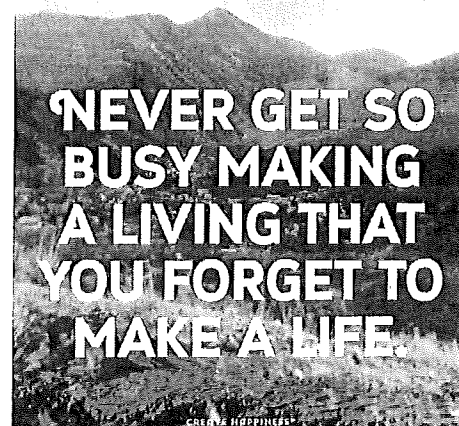
court efficiency (as are judges) but often the political initiatives that derive from those sentiments result in case overloads, briefcases bulging with reserved decisions, delays in decision delivery, and eventually, burn-out. That is another large topic - how we can best achieve efficiency without burning out our judges, which I will leave for another day, but it certainly contributes to the need for support and counseling from time to time.”

4. Addressing the Problem: Coping Strategies

(a) Maintaining a Healthy Work/Life Balance

In various studies and in the literature that has been referred to in this article, judges have been asked to identify strategies that help them to cope with the effects of vicarious trauma. A common theme in many of these strategies is the idea of maintaining a healthy work-life balance. “Balance” in this context often sounds like a meaningless buzzword, without a clear picture of what it involves. It is based on the idea that judges should not be defined as people by their occupation. The job of being a judge is only one aspect of the judge’s identity. Judges are also spouses, parents, grandparents, children, friends, lovers, neighbours, students, athletes, coaches, mentors, musicians, hobbyists, nerds (with interests other than law), church members, authors (of non-law related subjects), humorists, travelers, and so much more.

For those judges participating in these studies who were able to identify a coping strategy that worked for them in combatting (continued on next page)



Vicarious Trauma (Contd).

the effects of vicarious trauma, that strategy often included their participation in an activity that was not law related, and in which the judge was able to leave his or her work at work. Interestingly, these studies do not disclose any material difference in this respect between male and female judges.

(b) Physical Fitness

Physical fitness seems to cure a multitude of ills, and it is often identified as a means of maintaining the type of balance which will combat job stress. It is also beneficial in improving the quality of sleep, lowering blood pressure and addressing other health-related concerns that exacerbate or are exacerbated by work stresses.

(c) Laughter

Many of the participants in the 2003 study identified laughter as a helpful coping strategy. The benefits of laughter have been identified as assisting in relieving physical tension and stress, boosting the immune system, aiding in the release of endorphins, improving the function of blood vessels and increasing blood flow, which can help protect against heart attack and other cardiovascular problems. One caution contained within literature on vicarious trauma is that "gallows humour" increases the likelihood of experiencing the negative effects of vicarious trauma. Gallows humour is defined as humor about very unpleasant, serious, or painful circumstances.

(d) Family Activities

Many judges surveyed in the 2003 study suggested that family activities (not involving discussion about work) were a good method of decreasing work stress. One of the helpful practical suggestions emerging from the survey was for the judge to have a regular "date night" with his or her spouse.

(e) Meditation and Mindfulness Practices

Another positive strategy often employed to combat work stress is the practice of meditation. A recent publication specifically dedicated to teaching lawyers how to apply the practices of mindfulness in their lives is a book by lawyers Jeena Cho and Karen Gifford entitled "The Anxious Lawyer: An Eight Week Guide to a Joyful and Satisfying Law Practice Through Mindfulness and Meditation". To those skeptical about meditation, let me simply say, "don't knock it until you've tried it." Yet another technique to increase one's happiness level is the practice of writing a daily "gratitude list", in which one makes a list each day of five to ten things to be grateful for in one's life.

(f) Judges' Counseling Programs and Peer Support Programs

Perhaps the greatest resource available to judges struggling with work stress is the availability of counselling programs especially tailored for judges, such as the Judges Counselling Program. Established in 1995, this program provides current and retired federally and provincially appointed Judges, Justices of the Peace, Masters, Prothonotaries and their families in Canada with access to a confidential counselling service. Counselling is available to address problems such as alcohol and substance abuse, burnout, financial stress, bereavement, emotional problems, relationship problems, child and elder care issues, nutrition and healthy eating, smoking cessation and many other types of issues. Information for assistance can be found on the program's website at <http://www.jcp.ca/> or by calling 1-866-872-6336.

Most states and provinces have lawyers and judges assistance programs which offer a multitude of counselling and other services designed to address work stress and its



Judges Counselling Program

*Confidential
assistance for
judges and
their families*

multitude of symptoms. For example, in our jurisdiction, the Lawyers Assistance Program of British Columbia (LAPBC) also makes its program available to current and former judges as well as their families. LAPBC provides confidential outreach, education, support and referrals to judges, lawyers, articling students, paralegals, legal assistants, support staff and other mem-

bers of the legal community. Perhaps the most important adjective in that sentence is "confidential", something which cannot be overstressed. Areas in which help is provided by this program include alcohol and drug abuse, anxiety and depression, career and work issues, codependence, family issues, health and medical issues, legal and financial issues, gambling, relationship issues and stress in general. This program can be accessed through its website at <http://lapbc.com/> or by calling 1-888-685-2171 toll free or 604-685-2171 in the greater Vancouver area.

The Judicial Wellness Committee of the American Judges Association (AJA) is another source for directing its members to counselling programs available to judges throughout the United States and Canada. The AJA is also very diligent about including a wellness segment in all of its education conferences.

(g) On-the-job Strategies

When it comes to coping strategies while the judge is on the job, I was interested to learn that many of the most recommended strategies were ones that my senior colleagues had recommended to me when I was a new judge. These included strategies designed to help the judge to not dwell on decisions once made. The advice that I had been given about not hanging on to my old notes immediately came to mind. Maintaining a separation between work and home is also seen as a good coping strategy.

Good judges are diligent and hard-working, and being a judge is not a "nine to five" clock-punching career. This diligence will often require working after sitting hours during the evenings and on

weekends. Going to one's office to work on judgments rather than bringing them home can help in maintaining a psychological separation of work and life and condition one to a mindset where, when a judge is at home, he or she is not stressing about work. This type of separation is not always possible, such as in the case of judges who live in a different community that they work in, necessitating a commute if they wish to return to the office to write a judgement. For these judges, alternative strategies include either going to the nearest court house to work there (something done by many lower mainland judges on my court who live in Vancouver), or designating a work area in their home, such as a basement office. The idea is that work is confined to that small area, and outside of that area, the home is a work-free zone.

One colleague of mine is a "morning person" and has been for all of his professional life. His habit is to get into his office very early, in order to plan and organize his day and head off any stresses. Another judge I have had the pleasure of working with, who is very highly respected and is an example of an exemplary judge, has for years arrived at the court house he is working at just a few minutes before court starts. This works for him and works very well. I conclude from these experiences that finding a rhythm that helps alleviate work stress can be a personal strategy. It seems that Polonius was correct when he recommended to Hamlet "to thine own self be true."

Collegiality is a good way to deal with the feeling of being alone in confronting judicial challenges and stresses. I have found it is beneficial to talk to a colleague, preferably one who is more experienced, who has "been there, done that". Often the more seasoned colleague may have good practical advice to share, but even when this is not the case, sometimes just being able to expose our fears to the light of day by speaking them can diminish the power they have over us, or give us the ability to see them as they really are and not as they have morphed within our imaginations.

It can help if judges have someone on their bench, or within the profession, as part of a confidential check-in regime, not for the purposes of gossip or complaint, but to "be real" with about the stresses in our lives. For many years I would get together once a week with my (continued on next page)

Vicarious Trauma (contd.)

friend and colleague, the late Judge Russ MacKay, who was once the first staff counsellor of the Lawyers Assistance Program of BC. In our regular get-togethers, "fine" was not considered an acceptable answer to the question "how are you?" It was a beneficial opportunity for both of us to, as youth like to say, "call each other on our stuff." (I suspect it was more beneficial for me that my Zen-like friend. I miss him terribly.)



This strategy accords with advice given by John Starzynski, a volunteer with the Ontario Lawyers Assistance Program, and past president of the Mood Disorders Society of Canada (in the previously quoted article in Canadian Lawyer magazine.) In his words, "You need to have a close friend or confidant, someone who will be unconditionally supportive, but will be honest with you. If you isolate yourself, you don't have perspective."

On our court, a frequent occurrence is for a judge confronted with a legal or practical problem to send an "email to all" directed to all 150 plus members of

the court, succinctly stating the concern and seeking helpful advice. Parties are not named in the email, but a perplexing and often unique legal issue is neatly framed and sent out among the collective wisdom of the court. This is usually met with a series of helpful suggestions and advice. It has been proven time and time again that all of us are more clever than any of us, and it demonstrates the strength that lies within (and the comfort that comes from) collective wisdom. This practice is especially helpful for those who sit in a "one judge town" with no colleagues in the office to bounce ideas off of.

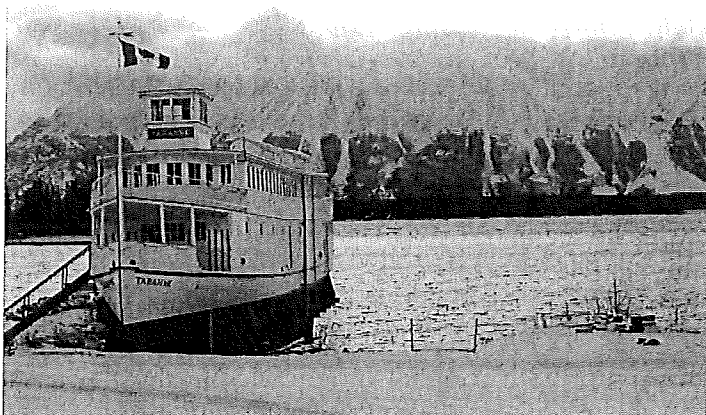
I offer a caveat for those judges called upon for advice from other judges, particularly from newer judges. Be a listener. Many of us (I include myself in this) have the tendency to meet a colleague's problem with a response akin to "That's nothing! Let me tell you about the problem I faced one time." As may be suspected, that's not very helpful and can cause the colleague to feel undervalued and unimportant. We must fight this urge and stifle that type of response in order to make the colleague who has raised the problem feel valued and listened to. (This habit comes in handy when hearing from litigants too!)

Frequently judges go out for lunch together and this can be a way of de-stressing. In my experience, new judges want to talk about whatever trial they happen to be hearing at the moment, while older judges prefer a "no shop talk" rule for lunch. I fall in the latter category on both counts. I say this for two reasons. Firstly, allowing work to invade personal time increases the potential for vicarious trauma. It inserts those disagreeable people into the judge's mind and thoughts even when they're not present. (People in 12-step programs refer to this as letting the other person "live rent-free in your head.") Talk of some sort of case involving man's inhumanity to man may trigger a memory of some similar unpleasant memory that a colleague may not be keen on recalling at the moment. Secondly, I have often been among judges in a public restaurant who loudly discuss the details of some matter before them, oblivious to whoever else might be in the restaurant. It is awkward to have to be someone else's conversation police, and far better to get into the habit of leaving case-specific discussion at the court house.

Often judges will be asked to perform ceremonial duties on their own time, outside of normal sitting hours. This may include speaking to students, swearing in or affirming municipal councils, school boards or police officers, or speaking at legal education events. In my experience, many judges do not like to volunteer for these duties, seeing it as an infringement of their free time. I take an opposite point of view. While my daily duties generally expose me to examples of unhealthy behaviours (e.g. crimes involving victims, mean-spirited parental battles that treat children as possessions to be won, rather than fragile humans to be nurtured), it is a pleasant change to see a young police officer excited about the start of a new career, or concerned and caring citizens beginning a public duty with the betterment of their community in mind. I find it a pleasure to have a front row seat to this type of positive energy while wearing my work uniform.

Our court offers the opportunity to travel outside of the district that I normally sit in. Travel can often be accompanied by its own unique stressors, which may include long drives (often in winter driving conditions), trying to get to sleep in strange hotels, or living on restaurant food. Judges are not uniform in how they view travel. For some it piles on more anxiety. For others, it is in keeping with the old adage "a change is as good as a rest." Personally, I fall in the second group. As I write this, I have just returned from sitting in the fortieth different court location in my province. I find the travel a pleasant change. It is often the opportunity to see some amazing scenery, to meet interesting people, and to learn a fresh approach to a common problem. In communities where resources may not be as plentiful as in larger centers, resourcefulness and ingenuity often flourishes. What I am constantly

Beautiful Atlin, BC in December, 2016 on "court day".



amazed at is the excellent abilities, work ethic, kindness and compassion of the individuals who work in court registries, as sheriffs (the title of those who keep our courts and our judges safe), as lawyers, as probation officers, as police officers in different settings, as employees of recovery homes and treatment centers, as AA and NA sponsors, as members of local restorative justice committees, and in many other capacities. They are a constant reminder that we are fortunate to be part of a helping profession.

Judge Gerald Lebovits offers a number of other helpful practical strategies for stress management techniques that judges can utilize. These include the following:

1. Eating a healthy, but light, lunch.
2. When feeling agitated or overwhelmed, get up and go for a walk.
3. Utilize allotted vacation time.
4. Secure a support network of colleagues who face similar stresses.
5. Attend events such as judges' conferences and judicial education programs.
6. Participate in mentoring programs, whether as mentor or mentee.
7. Employ systems for legal research and precedents, and utilize those which are already available.
8. Delegate functions that can properly be delegated.
9. Address communications such as email promptly, but think twice before pressing "send" on an email that may seem intemperate, harsh or injudicious.
10. Remember that the perfect is the enemy of the good. Don't overstress when writing decisions.
11. Don't be afraid to say no to optional requests, when feeling overburdened.
12. Don't stress about the possibility of being appealed. Just decide the case.
13. Study and follow ethical canons.
14. Stay out of political drama.

(Concluding on next page)

Vicarious Trauma (Continued)

15. Take advantage of legal education opportunities.

5. Conclusions

Every study on vicarious trauma in judges seems to come to the same conclusion: there is a need for greater awareness of this issue on the part of judges, and in particular, a need for greater self-awareness. While the problem has been studied more intensively in the case of first responders such as police officers, social workers and fire-fighters, and to a lesser extent in the case of lawyers, studies seem to have only scratched the surface when it comes to judges. Authors Jared Chamberlain and James T. Richardson in their chapter entitled "Judicial Stress: A Topic in Need of Research" (from the book *"Stress, Trauma and Wellbeing in the Legal System"*) note that this is an issue of great concern, calling for more research. They write:

"Converging evidence also suggests that judges are susceptible to STS [secondary traumatic stress] as judges express empathy and compassion for courtroom actors who often experience negative events. Finally, judges appear to be at risk for occupational burnout: They encounter workplace conflict, unprepared courtroom actors, and an overload of responsibility. Although these stressors are not unique to those in the judicial profession, they are especially important to understand and account for because of the instrumental role judges play in the justice system."

It is important for judges to have an awareness of how a daily diet of exposure to the worst in human behaviour can affect their well-being, before the secondary problems that flow from this condition present themselves. No matter what stage in his or her career that a judge may be at, it is always the right time to consider such things as how healthy work/life boundaries can be set, how unhealthy on-the-job behaviours and habits can be addressed and eliminated, and generally how to avoid letting the job of judging have a negative impact on one's life.

It should always be kept in mind what a tremendous privilege appointment to the bench is. There are many rewards, not the least of which is the daily opportunity to make a positive difference in the lives of so many people.

There is so much to be grateful for. When stressors are properly managed and a healthy work-life balance is accomplished, being a judge can be, in the words of Judge Wilfred Klinger, "the best job in the world."

(KDS)

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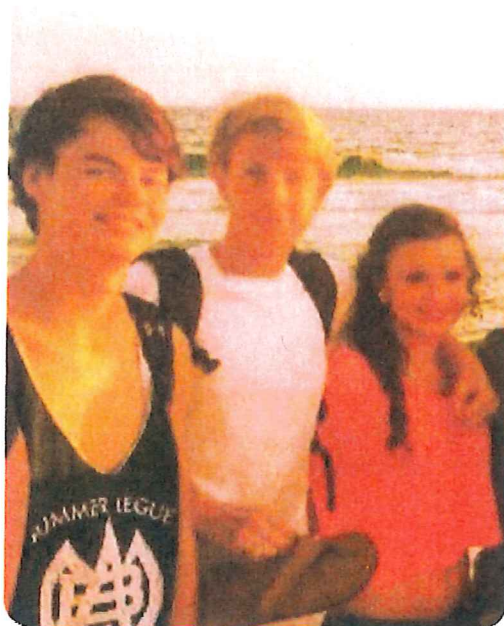
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The one in the middle is the one who ODeD !

Just a kid

How old

21

I'm sorry Angel and remember it's the holidays which often are hard on those with problems no matter how wonderful they had been doing

I know ! That's two in less than a week

It's not your fault casey they can't all make being clean for the long term

They come in 3s so who is next

But again you're going into the fall and

1015